

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Nicholas L. Livingston

Docket No. 5:15-MJ-1405-1

**Petition for Action on Probation**

COMES NOW Lee Holmes, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas L. Livingston, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-146(d)(1), Failure to Maintain Lane, and 18 U.S.C. § 13, assimilating N.C.G.S. 20-7(e), Driving Against Restrictions, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on April 26, 2016, to 6 months probation under the conditions adopted by the court.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant works full-time and supports his kids. Mr. Livingston has completed about 20 of the required 80 community service hours. The defendant has not made a payment toward the case balance. The defendant believes he can complete the remaining community service hours and pay off the case balance within the next 6 months. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The term of probation be extended for 6 months, from October 25, 2016, until April 25, 2017. The extension is needed to complete remaining community service hours and pay off case balance.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

/s/ Lee Holmes

Lee Holmes

Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: 910-354-2568

Executed On: October 20, 2016

**ORDER OF THE COURT**

Considered and ordered this 24th day of October, 2016, and ordered filed and made a part of the records in the above case.

Kimberly A. Swank

Kimberly A. Swank  
U.S. Magistrate Judge